SENATE BILL   No. 1079

Introduced by Senator Glazer
(Coauthor: Assembly Member Baker)

February 17, 2016

An act to add Section 295.3 to the Penal Code, relating to DNA evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, as introduced, Glazer. DNA evidence: CODIS Hit Outcome Project.

Existing law, the DNA and Forensic Identification Database and Data Bank Act of 1998, provides that the Department of Justice, through its DNA Laboratory, is responsible for the management and administration of the state's DNA and Forensic Identification Database and Data Bank Program. Existing law prohibits the DNA and forensic identification database and databank from being used as a source of genetic material for testing, research, or experiments, by any person, agency, or entity seeking to find a causal link between genetics and behavior or health.

This bill would find and declare that the Department of Justice manages and administers the CODIS Hit Outcome Project (CHOP) database and would impose various requirements and restrictions relating to the CHOP database including, among other things, a prohibition of the CHOP database containing DNA profiles and a requirement that certain entities, including, among others, law enforcement agencies and county probation departments, report to the Department of Justice, through the CHOP database, the outcome of investigative leads provided by the state's DNA Database and Data Bank Program. The bill would require a county to be reimbursed for the cost of reporting that information to the Department of Justice.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1. Section 295.3 is added to the Penal Code,
2 immediately following Section 295.2, to read:
3   295.3. (a) The Legislature finds and declares both of the
4 following:
5   (1) The Department of Justice, through its DNA Laboratory,
6 manages and administers the CODIS Hit Outcome Project (CHOP)
7 database.
8   (2) The purpose of the CHOP database is to provide a central
9 repository for confidential law enforcement data-sharing of case
10 information related to DNA database hits.
11   (b) (1) The CHOP database shall not contain DNA profiles.
12   (2) The CHOP database shall contain records of indexed
13 information related to DNA hits and case-to-case matches,
14 including, but not limited to, the identity of the submitting crime
15 laboratory, the investigating law enforcement agency, a district
16 attorney contact, and offender information, including criminal
17 charges and conviction information.
18   (c) (1) Except to the extent required by the United States
19 Constitution or the California Constitution, the Department of
20 Justice, a law enforcement agency, a local, state, or federal
21 prosecutorial entity, a crime laboratory, or a federal, state, or local
22 agency shall not be compelled to provide information from or
23 about the CHOP database in any criminal or civil proceeding.
24   (2) The Department of Justice shall not release case specific
25 information that the investigating law enforcement agency has
26 requested to keep confidential because its release would impair a
27 pending criminal investigation.
28   (d) (1) On a schedule set forth by the Department of Justice,
29 the Department of Corrections and Rehabilitation, and each law
30 enforcement agency, medical examiner, coroner, public fire
31 department investigator, state mental health investigator, county
32 probation department, district attorney, and any other participating
33 entity shall report to the Department of Justice, through the CHOP
34 database, the outcome of investigative leads provided by the state's

1 DNA Database and Data Bank Program, in a format approved by
2 the Department of Justice DNA Laboratory.
3   (2) A county shall be reimbursed for the costs of complying
4 with paragraph (1).

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